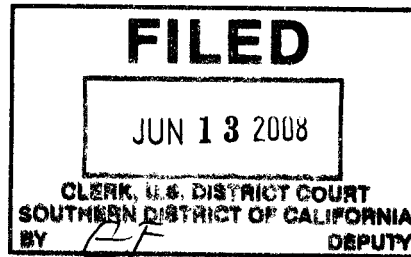


USA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose CORTEZ-Corona,

Defendant.

Mag. Case No.

'08 MJ 8534

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about June 12, 2008, within the Southern District of California, defendant Jose CORTEZ-Corona, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Juan Suarez

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF JUNE 2008.

ANTHONY J. BATTAGLIA
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Jose CORTEZ-Corona

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5 STATEMENT OF FACTS

6 The complainant states that this complaint is based upon the
7 statements of the apprehending Border Patrol Agent, A. Martinez,
8 that the Defendant was found and arrested on June 12, 2008, west
9 of Calexico, California.

10 Agent Martinez encountered Jose CORTEZ-Corona while
11 performing his Border Patrol duties 10 miles west of Calexico,
12 CA. Agent Martinez approached CORTEZ and identified himself as a
13 United States Border Patrol Agent. Agent Martinez determined
14 through questioning, CORTEZ was a citizen of Mexico with no
15 immigration documents that would allow him to enter into or
16 remain in the United States legally. CORTEZ was subsequently
17 arrested.

18 Records checks revealed an Immigration Judge ordered CORTEZ
19 deported to Mexico from the United States on March 20, 2008 and
20 has an extensive criminal history.

21 Agent Martinez advised CORTEZ of his Miranda Rights and this
22 was witnessed by Agent Pelusi. CORTEZ stated he understood his
23 rights and was willing to answer any questions without an
24 attorney present.

25 Agent Martinez asked CORTEZ what country he was a citizen or
26 a national of and CORTEZ stated Mexico. Agent Martinez asked
27 CORTEZ if he had any documents to work or reside in the United
28 States legally, he stated no. Agent Martinez asked CORTEZ how
and where he last entered the United States. CORTEZ stated he
made his last entry by walking across the U.S./Mexico
International Boundary near Calexico. Agent Martinez asked CORTEZ
if he had ever been deported and CORTEZ stated yes. CORTEZ

1 stated he intended to travel to Los Angeles, CA to find work and
2 to reside. There is no evidence CORTEZ sought or received
3 permission from the United States Attorney General or the
4 Secretary of the Department of Homeland Security to re-enter the
5 United States after being deported.
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